

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DOUGLAS ROY SYMMES, JR.,

Plaintiff,

v.

NC DEPARTMENT OF PUBLIC
SAFETY - DPS, RONALD
COVINGTON, JERRY INGRAM, JR.,
SERGEANT HESTER, SERGEANT
LOCKLEAR, SAMMS, KATY POOLE,
WILLIAM L. BULLARD, DEAN
LOCKLEAR, PAMELA LOCKLEAR,
SHERYL HATCHER, CHRISTOPHER
ADAMS, K.M. RUSSELL, DUNLAP,
JUSTIN CHAVIS, GADDY, KIM
SMITH, CONNIE LOCKLEAR JONES,
VICTOR LOCKLEAR, GERALD,
MILSAP, CYNTHIA LOWERY, CLARK,
LOCKLEAR, WILBERT WALKER,
REGINA P. HAMPTON, LETITIA S.
OWEN, HUNT, TAMEKA SMITH,
STEPHANIE M. OLIVER, ELAINE
M. DIMICCO, SOPHIA FEASTER,
ANGELO M. DELLORIPA, KIMBERLY
H. SILER, WAKENDA GREENE,
FAUSTINA F. BROWN, BEVERLY A.
STUBBS, SHAQUANNA M. WALL,
EVANNE MOORE, PAUL D. TAYLOR,
JASMINE T. BELYEU, SHAROND R.
SMITH, JONNITA E. BAKER,
PATRICA A. ALSTON, REGINOLD
R. MEWBORN, JODI T. HARRISON,
KENNETH E. LASSITER, MONICA
BOND, ERIC HOOKS, CLARENCE J.
DELFORGE, III, JAREN KELLY,
TODD E. ISHEE, JENNIFER L.
BINGHAM, V. DREW, AMY S.
JACOBS, KIMBERLY D. GRANDE,
R. BAGWELL,

Defendants.

1:22-cv-225

ORDER

On January 10, 2024 the United States Magistrate Judge's Recommendation ("Recommendation") was filed and notice was served on Plaintiff pursuant to 28 U.S.C. § 636. (Docs. 21, 22.) No objections were filed within the time prescribed by Section 636.

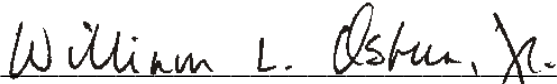
Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED¹ that the Magistrate Judge's Recommendation, (Doc. 21), is **ADOPTED. IT IS FURTHER ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing a new Complaint in compliance with the guidance cited in the Recommendation.

A Judgment dismissing this action will be filed contemporaneously herewith.

1 Plaintiff has filed a Notice of Appeal, (Doc. 25), and the case appears to be proceeding in the Court of Appeals, (see Doc. 27). Because a final judgment has not been entered, Plaintiff's Notice of Appeal appears premature and therefore insufficient to divest this court of jurisdiction to enter this Order and Judgment. If this court is incorrect, then in that case this Order and Judgment are submitted and filed pursuant to the procedure established in Fobian v. Storage Technology Corp., 164 F.3d 887 (4th Cir. 1999) and should be construed as an indication only of the court's intention and without further force and effect.

This the 5th day of July, 2024.


United States District Judge